

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**THE CINCINNATI INSURANCE
COMPANY,**

Plaintiff,

V.

**LOCK HAVEN AREA FEDERAL
CREDIT UNION,**

Defendant.

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CIVIL ACTION NO. 4:05-cv-00552-MM

HONORABLE MALCOLM MUIR

MOTION FOR SUBSTITUTION OF PARTY DEFENDANT

The National Credit Union Administration Board as Liquidating Agent for Defendant, Lock Haven Area Federal Credit Union, by its undersigned counsel, hereby moves to be substituted as party defendant in this action and states:

1. On August 8, 2005, Defendant, Lock Haven Area Federal Credit Union (Credit Union), was placed into liquidation and the National Credit Union Administration Board was appointed Liquidating Agent of the Credit Union pursuant to the provisions of 12 U.S.C. § 1787(a)(1)(A). A copy of the documents appointing agents for the Liquidating Agent is attached hereto as Exhibit “A”.

2. By operation of law, the Liquidating Agent succeeds to all rights, titles, powers and privileges of the Credit Union. See 17 U.S.C. § 1787(b)(2)(A)(i). Pursuant to 12 U.S.C.

§1766(b)(3)(A) and §1789(a)(2), the Liquidating Agent is empowered to sue and be sued, complain and defend such actions as may be brought against it as Liquidating Agent or against the Federal Credit Union in any court of law or equity and accordingly is a proper party in this action.

WHEREFORE, The National Credit Union Administration Board as Liquidating Agent for Lock Haven Area Federal Credit Union hereby requests that the Court enter an Order substituting as a party defendant the “National Credit Union Administration Board as Liquidating Agent for Lock Haven Federal Credit Union” for and in place of the party defendant, Lock Haven Area Federal Credit Union.

Respectfully submitted,

By: s/Dennis St. J. Mulvihill
Dennis St. J. Mulvihill, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Motion for Substitution of Party Defendant** has been forwarded to the following counsel and parties in interest by U.S. mail, postage prepaid, on the 13th day of October, 2005:

Amy E. Bentz, Esquire
James W. Bentz, Esquire
Bentz Law Firm PC
680 Washington Road, Suite 200
The Washington Center Building
Pittsburgh, PA 15228

s/Dennis St. J. Mulvihill
Dennis St. J. Mulvihill, Esquire